

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/322,715 05/28/99 HILDEBRANDT

P GR98P4106

EXAMINER

MM91/0320

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ART UNIT

PAPER NUMBER

2874

DATE MAILED:

03/20/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/322,715	HILDEBRANDT ET AL.
	Examiner	Art Unit
	Sarah Song	2874

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 01 February 2001 .

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 1-18 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 4-6 and 10-18 is/are allowed.

6)  Claim(s) 1-3 and 7-9 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

11)  The proposed drawing correction filed on \_\_\_\_\_ is: a)  approved b)  disapproved.

12)  The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some \* c)  None of:

1.  Certified copies of the priority documents have been received.
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14)  Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

15)  Notice of References Cited (PTO-892)  
16)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  
17)  Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_  
18)  Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_  
19)  Notice of Informal Patent Application (PTO-152)  
20)  Other: \_\_\_\_\_

## **DETAILED ACTION**

1. Applicant's communication filed on February 1, 2001 has been carefully considered and placed of record in the file.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent 4,798,440 to Hoffer et al. As stated in the previous Office Action, Hoffer et al. discloses a coupling device comprising an optical fiber holder 14 having a top face, a bottom face, narrow side faces between said top face and said bottom face, with transition regions formed between said narrow side faces, and said top face and said bottom face, respectively, and intermediate faces formed in said transition regions; and a receptacle 12 for receiving said holder along a longitudinal insertion direction, said receptacle having inside contact areas contacting said intermediate faces without play. The fiber holder has a substantially cuboid shape, and the intermediate faces are bevels formed along longitudinal edges defined by the cuboid shape. It is noted that the contact areas are defined by a longitudinal V-shaped recess.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffer et al.

As stated in the previous Office Action, Hoffer et al. discloses a holder as part of a coupling unit of a transmitter module and receiver module, or a transceiver module (see column 1, lines 42-47). The holder is integrated onto a printed circuit board with light-emitting and light-sensing elements. Hoffer et al. does not specifically state the device to be a multichannel module or to form a part of a coupling socket having an open side adapted to receive an optical fiber plug-in connector. However, the holder is essentially a part of a coupling socket, since it is mounted on and electro-optically coupled to the printed circuit board, with an open side adapted to receive an optical fiber plug-in connector 10 and another open side adapted to receive the light-emitting and light-sensing elements 28,30. Additionally, a multichannel device would have been obvious to one of ordinary skill in the art at the time of the invention was made to transmit a plurality of channels as is common in the art.

*Allowable Subject Matter*

6. Claims 4-6 and 10-18 are allowed.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record does not disclose or reasonably suggest, either alone or in combination, rails disposed in the receptacle having two resiliently splayable limbs forming the V-shaped recess, or a contact surface formed from an at least partially plastically deformed section of the limb.

***Response to Arguments***

8. Applicant's arguments filed February 1, 2001 have been fully considered but they are not persuasive.

9. Applicants traverse the rejection of Claims 1-3 as being anticipated by Hoffer et al. Applicants state that there is necessarily play between the respective faces of the receptacle 12 and the housing member 14 taught by Hoffer et al. Applicants state that there will always be play because of tolerances obtained during the manufacturing process. Applicants also state that a force must be exerted on the intermediate areas to have contact without play, and that this is not taught by the reference.

10. Examiner respectfully disagrees. The receptacle of Hoffer is made of molded plastic, thereby allowing the receptacle 12 to be formed with enough precision to hold housing member 14 without play. Additionally, Figures 3-6 clearly show that the fiber holder is held in the receptacle "without play", i.e. there is no freedom for movement of the fiber holder except in the longitudinal direction for insertion and removal. Additionally, the contact faces of the receptacle inherently exert some sort of force on the fiber holder, in particular, a frictional force is inherent due to the fitting nature between the receptacle and the fiber holder. Therefore, the rejection of Claim 1 under 35 USC 102(b) as being anticipated by Hoffer is maintained. The rejections of Claims 7-9 are also maintained for the reasons set forth above and in the 35 USC 103(a) rejection made previously.

11. Rejection of Claim 1 under 35 USC 112 2<sup>nd</sup> paragraph has been withdrawn in view of the amendment to the claim.

*Conclusion*

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

14. Any inquiry concerning the merits of this communication should be directed to Examiner Sarah Song at telephone number 703-306-5799. Any inquiry of a general or clerical nature, or relating to the status of this application or proceeding should be directed to the receptionist at

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Art Unit: 2874

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telephone number 703-308-0956 or to the technical support staff supervisor at telephone number 703-308-3072.

*Sarah N. Song*  
Sarah Song  
Patent Examiner  
Group Art Unit 2874

sus  
March 16, 2001

*Rodney Bovernick*  
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